

# ***CIVIL RIGHTS ENFORCEMENT AND COMPLIANCE ALTERNATIVE DISPUTE RESOLUTION CENTER***



## **“ITEMS OF INTEREST”**

- ◆ The Spring/Summer 2001 edition of Conflict Resolution in the News, an educational service for members of the Association for Conflict Resolution, highlighted (in summary) the following noteworthy developments in the conflict/dispute resolution field:
- ◆ **\*\*Senators Introduce Energy Department Resolution Legislation.\*\*** This legislation would require the Energy Department’s national laboratories to appoint ombudsmen to hear and help resolve complaints, before these complaints fall within the parameters of traditional EEO processing. Although the national labs already employ ADR techniques to resolve a variety of disputes and complaints, the legislation nonetheless provides a legislative directive to continue the use of ADR.
- ◆ **\*\*D.C. District Court Adopts Strict Mediation Confidentiality and Immunity Rules.\*\*** To ensure compliance with the federal Alternative Dispute Act of 1998, U.S. District Court for the District of Columbia codified their ADR practices with the adoption of new rules (March 29, 2001), that require “strict confidentiality for the Mediation of cases on its docket and bar any contact between the judge on the case and the Mediator assigned to the dispute other than the conveyance to the judge by the administrators of the mediation program is whether the case settled.” According to the new rules,

information through Mediation “may not be used for any purpose in any pending or future proceeding in any court or forum.” The rule also insulates Mediators from being sued by parties to a dispute, and require that any settlement reached through Mediation must be reduced to writing for it to be considered enforceable.

- ◆ **\*\*The Identity of a Mediator and the UMA.\*\*** The March 2001 draft of the proposed Uniform Mediation Act (UMA) defines Mediation as a “process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding THEIR dispute.”



### **Definition - “Caucus”**

- ◆ A Caucus is a closed meeting of the members of a specific group to discuss plans of action, decisions, desired outcomes and potential policy changes.
- ◆ During the FCMS Mediation process, caucuses are convened with one or both parties to clarify issues, explore possible remedies, discuss interests, assess potential outcomes, and help establish realistic expectations. A caucus may also be called if the parties come to an impasse. All conversations in the caucus are confidential UNLESS either party gives permission to divulge specific information.
- ◆ If you have any specific items that you would like to see in this quarterly, please submit your suggestions to Beatrice Jacobs, 301-734-5595.